

House Engrossed Senate Bill

**FILED**

**KEN BENNETT  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 176

# **SENATE BILL 1123**

AN ACT

AMENDING SECTION 9-821.01, ARIZONA REVISED STATUTES; RELATING TO CITY AND TOWN ELECTIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 9-821.01, Arizona Revised Statutes, is amended to  
3 read:

4 9-821.01. Declaration of statewide concern; nonpartisan city  
5 and town elections; districts; optional procedure

6 A. ARIZONA COURTS HAVE RECOGNIZED THAT THE CONSTITUTION OF ARIZONA  
7 REQUIRES THE LEGISLATURE'S INVOLVEMENT IN ISSUES RELATING TO ELECTIONS  
8 CONDUCTED BY CHARTER CITIES, INCLUDING INITIATIVE AND REFERENDUM ELECTIONS,  
9 THE METHOD OF ELECTIONS OTHER THAN BY BALLOT, LAWS RELATING TO PRIMARY  
10 ELECTIONS, VOTER REGISTRATION LAWS TO PREVENT ABUSE AND FRAUD AND CAMPAIGN  
11 FINANCE LAWS. THE LEGISLATURE FINDS THAT THE CONDUCT OF ELECTIONS DESCRIBED  
12 IN THIS SECTION IS A MATTER OF STATEWIDE CONCERN.

13 B. NOTWITHSTANDING ANY OTHER LAW, A CITY OR TOWN SHALL NOT HOLD ANY  
14 ELECTION ON CANDIDATES FOR WHICH THERE IS ANY INDICATION ON THE BALLOT OF THE  
15 SOURCE OF THE CANDIDACY OR OF THE SUPPORT OF THE CANDIDATE.

16 C. NOTWITHSTANDING ANY OTHER LAW, FOR ANY CITY OR TOWN THAT PROVIDES  
17 FOR ELECTION OF CITY OR TOWN COUNCIL MEMBERS BY DISTRICT, WARD, PRECINCT OR  
18 OTHER GEOGRAPHICAL DESIGNATION, ONLY THOSE VOTERS WHO ARE QUALIFIED ELECTORS  
19 OF THE DISTRICT, WARD, PRECINCT OR OTHER GEOGRAPHIC DESIGNATION ARE ELIGIBLE  
20 TO VOTE FOR THAT COUNCIL MEMBER CANDIDATE IN THE CITY OR TOWN'S PRIMARY,  
21 GENERAL, RUNOFF OR OTHER ELECTION.

22 ~~A. D. Notwithstanding any other provision of law, a city or town may~~  
23 ~~by ordinance provide that at the primary election any candidate who receives~~  
24 ~~a majority of all votes cast at such election shall be declared elected to~~  
25 ~~the office for which he is a candidate, effective as of the date of the~~  
26 ~~general election, and no further election shall be held as to such~~  
27 ~~candidate, provided that nothing on the ballot shall be indicative of the~~  
28 ~~source of the candidacy or of the support of the candidate.~~

29 ~~B. E. In addition to the provisions of subsection A- D, any town with~~  
30 ~~a population of five thousand persons or less according to the most recent~~  
31 ~~United States decennial census may by majority vote of the qualified electors~~  
32 ~~of the town voting on the question provide that at the primary election those~~  
33 ~~candidates receiving the highest number of votes for the offices to be filled~~  
34 ~~shall be declared elected to the office, and no further election shall be~~  
35 ~~held if at least three-fifths of the seats are filled by persons receiving a~~  
36 ~~majority of the votes cast as provided in subsection A- D.~~

37 ~~C. If a town elects to conduct primary elections which the provisions~~  
38 ~~of subsection B apply, there shall not be anything on the ballot which is~~  
39 ~~indicative of the source of the candidacy or of the support of the candidate.~~

APPROVED BY THE GOVERNOR JULY 13, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 13, 2009.